



Circuit Court

County of Oakland

WENDY POTTS
CHIEF CIRCUIT JUDGE

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SIXTH JUDICIAL CIRCUIT
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May, 2007

The Honorable Paul Condino
N0799 House Office Building
P.O. Box 30014
Lansing, MI 48909-7514

Dear Chairman Condino and distinguished members of the Judiciary Committee:

Thank you for agreeing to take up this bill to amend the Jail Overcrowding Emergency Act, MCL 801.51, et seq. Jail overcrowding is a systemic problem, not only in Oakland County, but across Michigan.

In 2005 the Oakland County Board of Commissioners created a Criminal Justice Coordinating Council (CJCC) to begin reviewing the problem of jail overcrowding and, more significantly, to find solutions. Our CJCC is comprised of representatives from the courts (both circuit and district), the Sheriff's Office, the County Executive, the County Board of Commissioners, the Oakland County Bar Association, defense counsel, and the public. As Chair of the CJCC, I am pleased and delighted that the work of our council has truly been a bipartisan effort. All interested parties recognize there's a problem, and we are committed to working collaboratively on solutions.

Having said that, it has become apparent that there is no easy panacea; rather, a series of changes in policy, legislation, and conventional thinking are required. Our CJCC is committed to continue to work on all possible solutions to help find a permanent fix for chronic overcrowding. But we need the legislature's help to act on this proposal as one significant and necessary step in the process.

Oakland County has declared seven jail overcrowding emergencies since August of 2005, the most recent in late April of this year. This bill will allow the county to creatively manage jail overcrowding in three general ways:

- (1) Rather than waiting until a county's jail population reaches 100% of the rated design capacity, our proposal would trigger certain actions when the population reaches 95% capacity.

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(2) While the current statute only allows sentenced inmates to be considered for early release, our recommendation would include those in jail on relatively low bonds. That is, the low bonds would revert to personal bonds in the same amount.

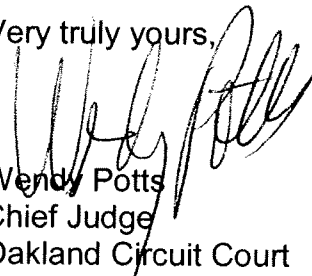
(3) With certain enumerated exceptions based on severity of crimes, the sheriff would immediately release sentenced inmates who have served 85% of their sentence.

Our Criminal Justice Coordinating Council was mindful that local control is an essential ingredient for managing each respective county's jail population. To that end, we believe our proposal offers sufficient flexibility for each county.

Our Vice-Chair and Oakland County's Corporation Counsel can provide more detail on the bill at the committee hearing, but I remain available for questions and concerns at your convenience. Please feel free to contact me.

Again, thank you for taking the time to consider this important piece of legislation. I urge your support and appreciate your thoughtful review.

Very truly yours,



Wendy Potts
Chief Judge
Oakland Circuit Court

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